

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06cv324**

| | | |
|-----------------------------|---|--------------|
| LYNN VILLA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| MEDIWARE INFORMATION |) | |
| SYSTEMS, INC., |) | |
| |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER is before the court on defendant's Motion to Compel and Supporting Memorandum (#25). Defendant filed it motions on June 28, 2007, making plaintiff's response thereto due to be filed not later than July 16, 2007.¹ Plaintiff has filed no response and the motion will be allowed inasmuch as it shows that plaintiff has failed to respond in any manner to defendant's First Set of Interrogatories and Request for Production of Documents.

Inasmuch as plaintiff is proceeding pro se, she is advised as follows:

- (1) she must fully and completely answer, respond, and provide all documents requested to counsel for defendant within 10 days;

¹

On July 17, 2007, counsel for defendant sent a letter to the Clerk of this Court via mail and electronic means informing the court that defendant's motion was ripe for consideration on July 16 and requesting that an Order be entered. Counsel for defendant is advised that this court has in place a system for reaching motions when they become ripe, and that a letter sent to the Clerk of this court the day after a motion becomes ripe is counterproductive and should be avoided in the future.

- (2) because she failed to respond or object to such requests initially, she cannot now object to any interrogatory or document request;
- (3) plaintiff shall have until July 30, 2007, to serve defendant with all such discovery;
- (4) if plaintiff fails to complete such task fully and within the time allowed, she runs the risk that this action will be terminated with prejudice or that other sanctions will be issued against her;
- (5) plaintiff is further advised that this court will, in any event, award counsel for defendant his attorneys fees and costs (not including any fee or expense he incurred in sending the court the July 17, 2007, letter) in bringing the Motion to Compel if so requested and after affording plaintiff an opportunity to be heard. Such fees and costs will, if so requested, be determined at the conclusion of this litigation unless the parties amicably resolve this action; and
- (6) plaintiff is again advised that she should retain counsel who could be of great assistance in this matter and help her avoid costly mistakes, such as made herein in not responding to discovery requests or motions.

Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Compel and Supporting Memorandum (#25) is **GRANTED**, and plaintiff is **COMPELLED** to fully and completely Answer defendant's First Set of Interrogatories and to Produce all documents requested in defendant's Request for Production of Documents, without objection, not later than July 30, 2007.

Signed: July 19, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

